

**Chadds Ford Township Board of Supervisors Meeting
May 9, 2005
M I N U T E S**

OFFICIALS PRESENT: George M. Thorpe, Chairman
Garry Paul, Supervisor
Hugh A. Donaghue, Township Solicitor
James C. Kelly, Township Engineer
Richard J. Jensen, Building Inspector/CEO
Maryann D. Furlong, Secretary/Treasurer

CALL TO ORDER – REGULAR MEETING

Mr. Thorpe called the meeting to order at 7:32 PM. The Pledge of Allegiance was recited and emergency exits were noted.

STATE POLICE REPORT

No report was available.

APPROVAL OF MINUTES – April 6, 2005

Minutes of the April 6, 2005 meeting were previously circulated for review with Mr. Thorpe making minor changes.

MOTION TO APPROVE BOARD OF SUPERVISOR MINUTES OF April 6, 2005

Upon motion and second (Thorpe, Paul), Mr. Thorpe and Mr. Paul approved the Board of Supervisors' minutes of April 6, 2005, draft dated 5.9.05.

REPORTS

SUPERVISORS' REPORT

Mr. Paul read a letter from Representative Stephen A. Barrar regarding two questions that will be on the May 17th primary election ballot. The Representative expressed his support for both the Chadds Ford Township Open Space referendum and the statewide Growing Greener initiative and asked residents to support both on May 17th. Mr. Thorpe reviewed the recent split of the Township into two voting precincts, northeast and southwest, and emphasized that all voting will take place at the Family Life Center, St. Cornelius Church, Ridge Road.

Mr. Thorpe expressed thanks to volunteers who helped with the recent Civic Association Clean Up Day.

Two or more Supervisors were together on the following dates:

- George Thorpe and Garry Paul met with the Emergency Preparedness Committee at their regular meeting on April 22nd;
- George Thorpe and Garry Paul met with members of the Open Space Committee on April 23rd regarding the upcoming referendum;
- Deborah Love D'Elia and Garry Paul met with Sewer Authority

- representatives and counsel for both groups on April 26th regarding legal matters, and
- Deborah Love D'Elia and Garry Paul met with John Snook, Brandywine Conservancy, and Tom Comitta regarding Route One Overlay issues.

Mr. Thorpe announced the anticipated continuance of the Calvary Chapel conditional use hearing

Scheduled for May 10th. The Supervisors will meet briefly on that date to officially continue the hearing and a new date will be announced and publicized.

TREASURER'S REPORT

Mrs. Furlong reported the following figures and balances for the month of April, 2005:

Total all deposits to General Fund:	\$	171,299.82
Total disbursements General Fund:	\$	74,349.90
Total disbursements Escrow Account:	\$	21,300.60

Supervisors

Board of
May 9, 2005
Page Two

Cash Accounts Balances	\$	669,848.56
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MOTION TO APPROVE TREASURER'S REPORT

Upon motion and second (Paul, Thorpe), Mr. Thorpe and Mr. Paul unanimously voted to approve the Treasurer's Report for April, 2005, and authorized the payment of bills in the amount of \$74,349.90.

ROADMASTER'S REPORT

Joe Barakat, Township Roadmaster, presented the Roadmaster's report. A copy follows. Questions from residents were taken.

Lana Sheer, Atwater Road, asked if potholes would be repaired on Atwater Road in conjunction with an upcoming sinkhole repair. Mr. Barakat wasn't aware of any additional problems, but will check into the situation. Mr. Thorpe added that in order to be cost effective, the Township normally waits to repair several potholes at one time rather than individually. A total resurfacing of Atwater Road will not be done until construction is complete. All of Atwater Road has been videotaped to show preconstruction conditions. The videotape may be referred to in the future to determine if the road has suffered damaged due to construction.

Keith Klaver, Atwater Road, advised of another pothole at 4 Atwater Road. He will show Mr. Barakat.

PLANNING COMMISSION

Mr. Taylor, Planning Commission Chairman, presented a report for the meeting of Wednesday, April 13, 2005. A draft of the Planning Commission minutes follows.

Mr. Thorpe stated that the Supervisors think it appropriate for Planning Commission to do a simultaneous review for both commercial and residential subdivision/land development applications of Ridge Road Associates that have been filed with both Concord and Chadds Ford Township, for the properties at Ridge Road and Route 202. Stormwater management will be of particular interest.

Mr. Paul asked that Board members receive a copy of the list prepared by Kevin Matson regarding building lot coverage. The Supervisors directed Mr. Donaghue to draft an ordinance adopting a change from the current 15% total impervious coverage of the home only to a total impervious coverage of 15%.

Mr. Thorpe questioned the status of the proposed noise ordinance. Mr. Taylor hopes it will be ready for the Supervisors' review next month. Mr. Thorpe urged residents to attend upcoming Planning Commission meetings to provide input.

In reply to a question from Mr. Thorpe, Mr. Donaghue stated that a final draft of codified ordinances should be available from General Code by next month.

ZONING HEARING BOARD

Mr. Wandersee was not able to be present tonight. Mr. Thorpe presented the Zoning Hearing Board report for the meeting of April 20, 2005. The next meeting is scheduled for May 18th. A written report follows.

HARB

No submissions were made during April.

SEWER AUTHORITY

Mrs. Taylor presented the Sewer Authority report. A copy of the report follows.

BUILDING INSPECTOR/CODE ENFORCEMENT OFFICER

Mr. Jensen presented the Building Inspector/Code Enforcement Officer's report. A written report and accompanying checks were submitted.

TOWNSHIP ENGINEER

Mr. Kelly presented the Engineer's report. A copy of the report, dated May 9, 2005, follows the minutes.

Supervisors

Board of

May 9, 2005
Page Three

OPEN SPACE COMMITTEE

Chairman Debbie Reardon reviewed recent Open Space activities and reported on the meeting held on April 14, 2005. The report follows.

Mrs. Reardon read a letter submitted by Senator Dominic C. Pileggi endorsing the Chadds Ford Open Space referendum.

Both Mr. Paul and Mr. Thorpe commended members of the Open Space Committee for all their recent work.

Mr. Donaghue announced that both precincts will be voting at the Family Life

Center of St. Cornelius Church. Mr. Thorpe suggested creating signs to indicate that all voting will take place at the Church.

TOWNSHIP PROPERTIES COMMITTEE

Mr. Thorpe reported that the committee did not meet during April.

FINANCIAL ADVISORY BOARD

Mrs. Furlong received a draft of a management letter from MervesAmon&Barsz for the 2004 audit. A meeting of the FAB has been scheduled for May 26th to discuss the auditor's recommendations and future Township investments.

FIRE MARSHALL

No report was presented.

RACHEL KOHL COMMUNITY LIBRARY

Board of Directors member Sandy Paul asked residents to complete a survey to help the library ascertain the needs of the community as a whole. The Rachel Kohl Community Library will also be holding a Comedy Night fundraiser at the Hilltop Pub, Chester Heights, on Thursday evening, May 19th.

PUBLIC COMMENT

Lana Sheer, Atwater Road, made a presentation regarding tree removal on Atwater Road by Megill Builders and on the former Pendleton property. The landscaping plan calls for seventy-one replacement trees to include conifers and rhododendron. There was discussion among Ms. Sheer, the Supervisors, Mr. Jensen and Mr. Kelly regarding compliance with the landscaping plan and an improvement security escrow held by the Township. Ms. Sheer noted a recent article from the New York Times re "McMansions" and demonstrated the size of trees being removed and replacements.

Mr. Thorpe said that he is very aware of the amount of development in the Township from both a personal and official standpoint, but in many instances, developers have rights under the Municipal Planning Code that the Township cannot supersede. Mr. Thorpe added that the Township has been and will continue to insure that developers comply with ordinances regarding replacement trees and landscaping.

Keith Klaver, Atwater Road, spoke regarding a stormwater problem on his property and agreed with Ms. Sheer that to allow large trees to be removed and replaced with small ones is a travesty. A letter dated April 18, 2005 was issued by Mr. Jensen setting forth the steps for corrective action to be taken regarding the Klaver situation.

Mr. Paul stated that the Board is trying to act quickly to help insure that future development within the Township will have minimal impact on existing homes and residents. He added that the recent Stormwater ordinance would have helped the situation on Atwater Road. Board members recognize that the Township must be prepared to face increased development in the future.

Mr. Klaver expressed his appreciation for Mr. Paul's comments. Mr. Thorpe added that although the Township is trying to make development as limited as legally possible, there are some residents opposed to these efforts.

Sue Garver, Atwater Road, reported that she is experiencing major well issues

including sediment problems and questioned if it results from nearby construction. Mr. Jensen responded that the Stone Brook I and II developments would actually enhance the aquifer with the recharge system that is

Supervisors

Board of

May 9, 2005
Page Four

part of the stormwater management plan. Mr. Kelly suggested that a well expert should be consulted.

Fred Reiter is concerned that there might be a large drop off from his driveway when Atwater Road is repaved. Mr. Jensen replied that there should be no problem.

ANNOUNCEMENTS

Joseph Pileggi, Painters Crossing, invited all Supervisors and residents to the first Chadds Ford Community Family Day, co-sponsored by the Civic Association and the Chadds Ford Historical Society, to be held Sunday, June 12, 2005, between 1:00 and 5:00 PM on the grounds of the Historical Society.

OLD BUSINESS

TALLY HO CULVERT REPAIR WORK

Mr. Kelly stated that bids had been received and opened for the repairs to the Tally Ho Drive culvert. The lowest bid was received from Cousins, Inc.

MOTION TO AWARD BID – TALLY HO CULVERT REPLACEMENT

Upon motion and second (Thorpe, Paul), the Supervisors present voted to accept the bid and award the contract to Cousins, Inc. for repairs to the Tally Ho Culvert in the amount of \$47,224.00.

NEW BUSINESS

CAMP SUNSET HILL PLANNING MODULE RESOLUTION 2005-12

Mr. Kelly presented a proposed resolution for consideration by the Supervisors that would have the effect of revising the Township's official sewage facilities plan to include a proposed sewer extension for the Toll Brothers development of Camp Sunset Hill.

MOTION TO RESOLUTION 2005-12 FOR PLAN REVISION FOR NEW LAND DEVELOPMENT FOR TOLL BROTHERS CAMP SUNSET HILL

Upon motion and second (Thorpe, Paul), the Supervisors present voted to adopt Resolution 2005-12 and to submit same to the Department of Environmental Protection for its approval as a revision to the Official Sewage Facilities Plan of the Township.

APPOINTMENT OF AUTHORIZED AGENT TO CONDUCT INSPECTIONS REQUIRED UNDER THE UNIFORM CONSTRUCTION CODE

It had come to Mr. Jensen's attention that it was necessary for the Supervisors to reappoint Code Inspections, Inc. for the purpose of conducting electrical inspections in the Township under the Uniform Construction Code.

MOTION TO APPROVE RESOLUTION 2005-13 APPOINTMENT OF CODE INSPECTIONS, Inc.

Upon motion and second (Paul, Thorpe) the Supervisors present approved the appointment of Code Inspections, Inc., as its duly authorized agent to conduct inspections as required under the Uniform Construction Code.

Mr. Thorpe made mention of a request from the "Biking for Scores" group for permission to bike through the Township on Creek Road during an upcoming bike event to be held October 8th – 10th. Mr. Thorpe had concerns about permitting same and asked Mr. Donaghue to draft a reply.

Mr. Thorpe also made mention that Verizon is actively installing fiber optic cables in the Township. Standard road opening permits have been issued. Mr. Thorpe was aware of legislation permitting municipalities to charge rent for such utilities and asked Mr. Donaghue to investigate if Bethel and Concord Townships may be moving in that direction. There may also be some constraints on the amount of rent charged pursuant to the Comcast cable agreement.

Supervisors

Board of

May 9, 2005
Page Five

BRAITHWAITE APPEAL TO BOARD OF SUPERVISORS

Kenneth J. Braithwaite, 165 Harvey Road, had filed an appeal to the Board of Supervisors for permission to build a pool house adjacent to a pool that was constructed on his property in 2002. The pool was built some distance from the home and requires the family to travel a distance to retrieve any items. Mr. Braithwaite requested a waiver from restrictions of Township Ordinance 85 to allow for installation of a shower, toilet, heating and plumbing in the pool house. Mr. Thorpe gave a brief history of the intent of Ordinance 85, stating that Supervisors used the lack of water to discourage people from living in out buildings. There is concern that two or more families will live on the same property where zoning is single family. Mr. Donaghue asked if Mr. Braithwaite would be willing to enter into a contract with the Township stating that the building will not be used for living quarters or as an apartment; will agree to pay an annual fee for an inspection and may have water, but no drain line. Mr. Braithwaite agreed. It is anticipated that an annual inspection will be conducted and that a reasonable inspection fee will be charged. It is also anticipated that the Township will adopt an ordinance formally addressing this issue.

MOTION TO APPROVE PLUMBING FOR BRAITHWAITE POOL HOUSE – 165 Harvey Road

Upon motion and second (Thorpe, Paul) Mr. Thorpe and Mr. Paul approved the request to allow plumbing in the proposed pool house to be constructed by Kenneth and Melissa Braithwaite, 165 Harvey Road, subject to the property owner entering into a contract to be drafted by the Township Solicitor setting forth stipulations and conditions.

CHESTERVILLE ARCHITECTS/McCOY WEYMOUTH APPEAL TO BOARD OF SUPERVISORS

Charles Phillips, Chesterville Architects, had filed an Appeal to the Board of Supervisors on behalf of McCoy Weymouth, Rocky Hill Road, to be allowed to install an indoor pool with dressing rooms, showers and toilets. Mr. Williams asked if future inspections would be limited to the indoor pool and not extend to the primary residence. Mr. Thorpe responded that if something unsafe turned up, the owner should want to know about it regardless of where it is. While the Supervisors favored permitting plumbing in the dressing rooms, this would not have the effect of granting zoning relief and/or addressing other issues that may be denied.

MOTION TO APPROVE PLUMBING FOR McCOY WEYMOUTH POOL HOUSE DRESSING ROOMS

Upon motion and second (Paul, Thorpe), the Supervisors present approved the installation of plumbing in pool building dressing rooms for the McCoy Weymouth property, Rocky Hill Road, subject to the property owner entering into a contract to be drafted by the Township Solicitor setting forth stipulations and conditions.

CUNO APPLICATION FOR ZONING RELIEF

Donald T. Petrosa, Esquire, representing Rena and Charles Cuno, 1763 North Creek Road, was present to determine if the Supervisors would object to a request for zoning relief in order to turn part of the home into a museum. The Cunos intend to create a specialty museum on the first floor of the house and a small gift shop on the first floor of the barn. Mr. Petrosa stated that while the use is permitted, relief is being sought as to parking requirements; to use gravel and pavers instead of paving; for loading and unloading space; width of the drive aisle and some landscaping requirements. The applicant already has a HOP from PennDOT. There was discussion as to requirements and restrictions of that permit.

Mr. Thorpe had prior concerns regarding sight distance from the driveway because of the speed of traffic both north and south on Creek Road. However, it appeared that recent work in that area had improved the line of sight. Remaining issues of concern involved cars entering and exiting at the same time; the volume of traffic, and future use of the site. The Supervisors present asked Mr. Donaghue and Mr. Petrosa to discuss options as to future use and to report back prior to the Zoning Hearing Board of May 18th.

KEENAN AUTO BODY ZONING HEARING BOARD APPLICATION

Mr. Petrosa also appeared on behalf of Keenan Auto Body regarding signage and accessory use. Hertz Rental Agency is operating out of Keenan as a convenience to the body shop's customers. One

Board of

issue is whether the Township will permit Hertz to operate as accessory use in the body shop. Additionally, the applicant is seeking permission to attach a small "Hertz" sign under the present signage." After discussion, as to the size of the proposed and current sign, and while Mr. Thorpe and Mr. Paul preferred that six or fewer cars be available on the site for Hertz rental purposes, the Supervisors present will not oppose the zoning relief application.

MESSAGE LICENSE APPLICATION

Mr. Jensen had received an application for a massage license from Kathryn McCarry to perform therapeutic message at Reflections Salon & Spa on Wilmington West Chester Pike. All necessary documentation, including accreditations, licenses, etc. was reviewed.

MOTION TO APPROVE ISSUANCE OF MESSAGE LICENSE

Upon motion and second (Paul, Thorpe), the Supervisors present approved the issuance of a message license to Kathryn McCarry to work as a massage therapist at Reflections Salon and Spa.

ESCROW RELEASES

The Township Secretary had prepared the following escrow releases for the Board's consideration. Outstanding costs were deducted and refund checks were issued in the amounts noted:

Applicant	Type of Escrow	Original Amount	Amount
Refunded			
Petrikin, Wellman	Zoning	\$900.00	\$745.98
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Cavallo Auto Body	Developer's Agreement	\$5,000.00	\$2980.37
Newton	Board Appeal	\$700.00	\$206.00
AT&T	Conditional Use	\$700.00	-0-
AT&T	Conditional Use	\$700.00	-0-
J's MVP	Developer's Agreement	\$5,000.00	\$935.52
Applied Card	LD Application	\$3,000.00	\$3,000.00
Kaplin, Stewart	Zoning	\$700.00	\$471.09
Kaplin, Stewart	LD Application	\$3,000.00	\$3,000.00
J's MVP	Grading	\$700.00	\$700.00

MOTION TO APPROVE ESCROW RELEASES

Upon motion and second (Thorpe, Paul), the Board of Supervisors approved the release of escrows as noted above.

TOWNSHIP FEE RESOLUTION REVISION

Mr. Jensen informed the Supervisors that pursuant to the Uniform Construction Code, electrical fees may be increased to offset the \$2.00 per permit charge that must be

paid to the Commonwealth for administration of the program. A suggested revision to the Township's Fee Resolution will be presented at the next Board meeting.

ADJOURNMENT

There being no further business, the meeting was adjourned at 10:20 PM.

Respectfully submitted,

MARYANN D. FURLONG,
Township Secretary